

**The Honorable James L. Robart**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM S. POFF,

Defendant.

NO. 2:09-CR-00160-JLR-3

STIPULATION TO RESOLVE  
REMAINING ISSUES ON  
REMAND

Plaintiff, United States of America, and Defendant William S. Poff (Mr. Poff), stipulate as follows to resolve the remaining issues on remand from the Court of Appeals' July 12, 2019, Memorandum Decision [dkt. no. 326].

1. On June 1, 2016, this Court ordered the United States Bureau of Prisons (BOP) to "turn over \$2,663.05 from Mr. Poff's BOP inmate trust account to the Clerk of this Court," to be applied to Mr. Poff's monetary obligations in this case. Dkt. no. 316 at 14.
2. On or about June 2, 2016, the BOP turned over the \$2,663.05 from Mr. Poff's inmate trust account, as directed by the Court's order.

- 1           3. On July 12, 2019, the Ninth Circuit Court of Appeals issued a  
2           Memorandum Decision vacating this Court's June 1, 2016, Order,  
3           and remanding the case for further proceedings to determine how  
4           much of the \$2,663.05 payment was proper under applicable  
5           statutes and the terms of Mr. Poff's Criminal Judgment [dkt. no.  
6           259].  
7  
8           4. The parties, through counsel, have reviewed Mr. Poff's inmate trust  
9           account records and stipulate that \$2,163.05 of the \$2,663.05  
10          payment was proper under applicable statutes and the terms of Mr.  
11          Poff's Criminal Judgment.  
12  
13          5. Accordingly, the parties further stipulate that the Clerk of Court  
14          should refund to Mr. Poff five hundred dollars (\$500.00) from the  
15          funds he has paid towards his monetary obligations imposed in this  
16          case. The parties agree that this five hundred dollar refund will not  
17          be subject to 18 U.S.C. § 3664(n).  
18  
19          6. The parties agree that no adjustment to the terms of the Criminal  
20          Judgment is necessary to account for Mr. Poff's disabled veteran's  
21          benefits.  
22  
23          7. The parties jointly submit a proposed order directing the Clerk of  
24          Court to make the agreed payment.

25       DATED this 8th day of October 2019.

26       Respectfully submitted,

27       Brian T. Moran  
28       United States Attorney

s/ Paul J. Collins  
Paul J. Collins

s/ Kyle A. Forsyth

Kyle A. Forsyth

Assistant U.S. Attorney

United States Attorney's Office

700 Stewart Street, Ste. 5220

Seattle, WA 98101

Tel. 206-553-7970

Fax. 206-553-4073

Email: kyle.forsyth@usdoj.gov

Wesley Sze

Gibson, Dunn & Crutcher LLP

1881 Page Mill Road

Palo Alto, CA 94304-1211

Tel. 650-849-5300

Fax. 650-849-5333

Email: PCollins@gibsondunn.com

Email: WSze@gibsondunn.com

Ashley E. Johnson

Gibson, Dunn & Crutcher LLP

2100 McKinney Avenue, Suite 1100

Dallas, TX 95201-6912

Tel. 214-698-3100

Fax. 214-571-2900

Email: AJohnson@gibsondunn.com

*Attorneys for Defendant William S.  
Poff*

**CERTIFICATE OF SERVICE**

I hereby certify that I am a Paralegal Specialist in the office of the United States Attorney for the Western District of Washington, and am a person of such age and discretion as to be competent to serve papers;

That on October 8, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system;

That on October 8, 2019, I caused an electronic service copy of the foregoing to the following counsel for Defendant:

Paul J. Collins	PCollins@gibsondunn.com
Ashley E. Johnson	AJohnson@gibsondunn.com
Wesley Sze	WSze@gibsondunn.com

That on October 8, 2019, I caused copies of the parties' Joint Status Report to be delivered to the Defendant/Judgment Debtor, William S. Poff, by placing an envelope marked "Legal Mail – Open in the Presence of the Inmate" containing said documents into the United States Mail, postage prepaid, by First Class Mail, addressed as follows:

William S. Poff  
Register No. 14361-040  
FCI Gilmer  
Federal Correctional Institution  
P.O. Box 6000  
Glenville, WV 26351

DATED this 8th day of October 2019.

s/ Dawn H. Fernandez  
Dawn H. Fernandez, Paralegal  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101  
Telephone: (206) 553-4308  
Facsimile: (206) 553-4073  
E-mail: [dawn.fernandez@usdoj.gov](mailto:dawn.fernandez@usdoj.gov)

**The Honorable James L. Robart**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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UNITED STATES OF AMERICA,

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v.

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[PROPOSED] ORDER  
DIRECTING CLERK OF COURT  
TO DISBURSE FUNDS

Pursuant to the Stipulation of Plaintiff, United States of America, and Defendant William S. Poff (Mr. Poff), the Court enters the following order, which resolves all remaining issues on remand from the Ninth Circuit's July 12, 2019, Memorandum Decision [dkt. no. 326].

1. On or about June 2, 2016, the Bureau of Prisons paid the Clerk of this Court \$2,663.05 from Mr. Poff's inmate trust account, as directed by the Court's order [dkt. no. 316].
2. Following remand from the Court of Appeals, the parties, through counsel, have reviewed Mr. Poff's inmate trust account records and

1 stipulate that \$2,163.05 of the \$2,663.05 payment was proper under  
2 applicable statutes and the terms of Mr. Poff's Criminal Judgment.

3 3. Accordingly, the Clerk of Court shall refund to Mr. Poff five hundred  
4 dollars (\$500.00) from the funds he has paid to the Clerk of Court  
5 towards his monetary obligations imposed in this case. Counsel for  
6 the parties shall provide the Clerk of Court all payee information  
7 necessary to facilitate this payment.  
8

9 DATED this \_\_\_\_ day of \_\_\_\_\_ 2019.  
10

11  
12 \_\_\_\_\_  
13 Hon. James L. Robart  
14 United States District Court Judge

15 Jointly submitted:

16 s/ Kyle A. Forsyth  
17 Kyle A. Forsyth  
18 Assistant U.S. Attorney

19 s/ Paul J. Collins  
20 Paul J. Collins  
21 Gibson, Dunn & Crutcher LLP  
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